



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Steering Committee Meeting – 8:00 a.m., Room 41

Christopher B. Coleman,
Mayor

Agenda

Saint Paul
Planning Commission

August 19, 2011
8:30 – 11:00 a.m.

Chair
Jon Commers
First Vice Chair
Barbara A. Wencil
Second Vice Chair
Paula Merrigan
Secretary
Anthony Fernandez

I. Approval of minutes of August 5, 2011

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

OLD BUSINESS

#11-250-250 Dram Investment LLP – Re-establishment of nonconforming use as a car wash. 1340 7th Street West between Mercer and Victoria. (*Ryan Kelley, 651/266-6562*)

#11-250-154 HRA (765 Edgerton) – Re-establishment of nonconforming use as a triplex. 765 Edgerton Street between Bush and Reaney. (*Sarah Zorn, 651/266-6570*)

NEW BUSINESS

#11-252-494 Dee Vang – Re-establishment of nonconforming use as a 4 plex. 342 Bates Avenue SE corner at 5th. (*Matt Wolff, 651/266-6708*)

#10-915-026 Culvers – Conditional Use Permit for a fast food restaurant with drive-through service, and modification of standards for ingress and egress on Pascal Street. (*Anton Jerve, 651/266-6567*)

#11-251-397 (#10-909-016) Midway Commons – Site Plan Review for renovation of two existing commercial buildings, addition of drive-through sales and service, and parking lot reconfiguration. 1489 University Avenue West. (*Tom Beach, 651/266-9086*)

V. Historic Preservation in Saint Paul – Informational presentation on work of Heritage Preservation Commission and staff. (*Christine Boulware, 651/266-6715*)

VI. Comprehensive Planning Committee

VII. Neighborhood Planning Committee

Pat Connolly
Gene Gelgelu
Bree Halverson
Richard Kramer
Gaius Nelson
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Elizabeth Reveal
Anthony Schertler
Robert Spaulding
Terri Thao
Jun-Li Wang
Daniel Ward II
David Wickiser
Roxanne Young

Planning Director
Donna Drummond

VIII. Communications Committee

IX. Task Force Reports

X. Old Business

XI. New Business

XII. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission
MASTER MEETING CALENDAR**

WEEK OF AUGUST 15-19, 2011

Mon (15)

Tues (16)

4:00- Comprehensive Planning Committee
5:30 p.m. (Penelope Simison, 651/266-6554)

HAS BEEN CANCELLED

Weds (17)

Thurs (18)

Fri (19)

8:00 a.m. Planning Commission Steering Committee
(Donna Drummond, 651/266-6556)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

OLD BUSINESS

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Informational Presentation.... Historic Preservation in Saint Paul – Informational presentation on work of Heritage Preservation Commission and staff. (*Christine Boulware, 651/266-6715*)

Butler\planning commission\Calendars\August 15-19, 2011

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes August 5, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 5, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Perrus, Porter, Reveal, Thao, Wencl, Young; and Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver, Spaulding, Ward, and Wickiser.

Commissioners Absent: Mmes. *Halverson, *Wang, and Mr. *Schertler.

*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Patricia James, Kate Reilly, Sarah Zorn, Jessica Rosenfeld, Josh Williams, Joe Musolf, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes July 8th and July 22, 2011.

MOTION: *Commissioner Reveal moved approval of the minutes of July 8, 2011. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

MOTION: *Commissioner Thao moved approval of the minutes of July 22, 2011. Commissioner Wencl seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Commers announced that an appeal has been filed regarding the site plan for the Port Authority's Pelham development, and it will be before the Zoning Committee on August 25th. Also, the West Midway Industrial Area Task Force is working to develop a consensus and agenda for how the various land uses, including industrial, interact - particularly around station areas in the Central Corridor.

Chair Commers also reported on a meeting he had on Thursday with a number of consultants who are working with Public Arts Saint Paul, the City, Ramsey County, and a few other partners about developing a Central Corridor Public Arts Plan, focusing in between the station areas and in other areas around the corridor. He stated that he was impressed with the scope of their inquiry. Some of the partners may be contacting commissioners individually, and, if not, there will be contact between that Task Force and the Planning Commission.

III. Planning Director's Announcements

Donna Drummond reported that the Victoria Park Master Plan modification and rezoning of the Koch Mobil property from I3 to TN3 was approved by City Council on Wednesday. A Student Housing Zoning Study and a moratorium was also requested by the City Council for the area around the University of St. Thomas to determine if there are new zoning or licensing regulations that might be needed to control the extent of student rentals in that neighborhood. Finally, the St. Anthony Park Como 2030 Plan was adopted. The zoning changes recommended by that plan were also approved after a public hearing and will be on the City Council agenda for final adoption next week.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Two items came before the staff Site Plan Review Committee on August 1, 2011. Cossetta addition located at 211 West 7th Street, enlarge existing restaurant and store; Cossett's parking lot located at 212 Smith Avenue, pave parking lot (pave area that is currently gravel and mill/overlay area that is currently asphalt).

OLD BUSINESS

#11-148-456 City House – Re-establishment of nonconforming use as a reception hall in the FW Floodway District. 258 Mill Street south side of intersection of Walnut and Mill Street. *(Josh Williams, 651/266-6659)*

Commissioner Kramer said that the nonconforming use permit is needed because the location of the building is within the floodway district and is therefore nonconforming.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of nonconforming use. The motion carried unanimously on a voice vote.*

#11-148-409 City House – Conditional Use Permit for a reception hall. 258 Mill Street south side of intersection of Walnut and Mill Street. *(Josh Williams, 651/266-6659)*

Commissioner Kramer said that the Conditional Use Permit enables the operation of the reception hall in the building. The resolution includes all of the conditions of approval, and provides for the Planning Commission to review the conditions of the permit one-year after the use is actually established. The Zoning Committee also clarified the resolution, making sure that, in addition to the reception hall, the trailhead can also function with whatever retail uses might be appropriate.

Commissioner Reveal asked if Commissioner Kramer would comment on the letter that was distributed at their places today.

Commissioner Kramer explained that the letter distributed was reflective of testimony that the writer gave at the Zoning Committee. Also this case was laid over for a number of weeks to allow for additional discussion between the community and city staff. The Zoning Committee and zoning staff did not facilitate those discussions; they were done by Parks and Recreation staff.

Commissioner Nelson added that one of the concerns in the letter had to do with process and decision-making by the community group. While there was not an official condo association representative present for the discussion, there was opportunity for a variety of people to participate.

Commissioner Kramer provided some history on this location. An earlier Planning Commission approval for this site anticipated that there would be a restaurant, which would operate most days of the week. What the Commission is now being asked to authorize would be two day time events and two evening events in the months of May, June, July, August and September. That is a change from the initial intended use.

Upon a question by Commissioner Ochs about who would operate the facility, Commissioner Kramer said that Parks and Recreation would control the property; but that the reception hall itself will be operated under a contract awarded through a competitive process.

Commissioner Ochs noted that the hours of operation through the season as well as the daytime hours and the number of events being held is limiting.

Commissioner Kramer said this is what Parks and Recreation proposed to the Zoning Committee after discussions with the neighbors. The Zoning Committee expanded it to also allow additional events during the day, and this is why condition #8, which calls for review of the conditions in one-year, was added. Additionally the function of the reception hall is limited, but the function of the trailhead facility, the primary purpose of the building, continues all year.

Commissioner Spaulding stated he concurs with Commissioner Ochs, but noted that Parks requested this, and they are going for what is feasible. Maybe neighbors will see that this works better than they anticipate, or it could go the other way.

MOTION: Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

NEW BUSINESS

Commissioner Young abstained and left the room for the next two cases.

#11-250-540 HRA (599 Reaney) – Re-establishment of nonconforming use as a duplex. 599 Reaney Avenue between Payne and Edgerton. (Sarah Zorn, 651/266-6570)

MOTION: Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#11-250-154 HRA (765 Edgerton) – Re-establishment of nonconforming use as a triplex. 765 Edgerton Street between Bush and Reaney. (Sarah Zorn) 651/266-6570)

Commissioner Kramer said that the substantial issue is that part of this building was built on someone else's property. There are conditions in the proposed resolution from the Zoning

Committee that prohibit the issuance of building permits for the portion of the structure that encroaches on the other lot. The developer is concerned about those restrictions given the time lines for rehab, and a letter regarding this was distributed today. Commissioner Kramer asked if there was a quick solution to this or if the Zoning Committee should consider this at their meeting next week.

Sarah Zorn, PED staff, commented that she did not have a quick fix, and issuing a building permit would be something for the Department of Safety and Inspections to decide. But it would be important to have some kind of an agreement from the adjoining property owner that this demolition/construction could take place until the legal issue of the property line is settled.

Commissioner Nelson said one of the concerns of the redeveloper is continued deterioration of the building and being able to shore it up so that it does not get worse. Condition number 2 is that they could not get a certificate of occupancy prior to any resolution of this issue. He suggested sending the case back to the Zoning Committee and have it back to the Commission in two weeks. Changing the lot is not within the Planning Commission's purview, but perhaps there is a way to make sure that the property is secure and that some work can proceed.

Commissioner Ward wondered, if this property issue becomes a major legal battle between the two property owners, how the commission could allow the property owner to move forward on any type of work.. It seems that this should have been worked out prior to applying for the nonconforming use permit. How can any conditions be placed on a nonconforming use permit without the applicant having legal ownership of the site?. He stated the Commission needs to lay it over.

Commissioner Reveal suggested two possibilities: one is to get the adjoining property owner to agree in principal to the rehab assuming the easement is done, and the second is that any resolution should make it clear that the developer bears 100% of the cost of any investment he makes in a building that might have to be torn down.

MOTION: Commissioner Kramer moved to lay this case over to the next Planning Commission meeting with instruction that it be returned to the Zoning Committee for further discussion on the resolution. Commissioner Reveal seconded the motion. The motion carried unanimously on a voice vote.

#11-250-250 Dram Investments LLP – Re-establishment of nonconforming use as a car wash. 1340 7th Street West between Mercer and Victoria. (Ryan Kelley, 651/266-6562)

Commissioner Kramer announced that this case has been laid over to the August 11, 2011 Zoning Committee meeting.

#11-249-230 Ray Devine – Conditional use permit for outdoor sales, limited to the same dates as the Minnesota State Fair. 1565 Como Avenue NE corner of Como at Snelling. (Kate Reilly, 651/266-6618)

MOTION: Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions.

Commissioner Connolly asked if the permit runs in perpetuity or if it is just for this year.

Commissioner Kramer said it is a conditional use permit and it runs with the land.

Commissioner Nelson questioned if the Commission should approve the permit in perpetuity. Should there be a condition it be revisited again in a year or 18 months?

Commissioner Perrus said that a temporary conditional use permit can not be created. Legally, this would need to be done under an interim use permit.

Commissioner Oliver moved to amend the resolution, with the condition that the Planning Commission will review the conditions of the permit 18 months after the establishment of the outdoor sales use. Commissioner Ward seconded the motion.

Commissioner Perrus said that the Commission can revisit the conditions of approval in 18 months but they can not revoke a conditional use permit unless there has been a violation of the existing conditions. Commissioner Oliver agreed.

Patricia James, PED staff explained that outdoor sales is a permitted use in the B3 district. This property is located at the corner of Snelling and Como, another business is across the street, and there is some residential across the alley. Approving this permit doesn't extend the boundary of the State Fair vending area, which ends one block south of Midway Parkway and is intended for residential home owners to be able to rent out their yards. Since he is only proposing to do this during the State Fair, he is limiting himself on what would otherwise be permitted under B3 zoning.

Commissioner Reveal surmised that if the concession area is not used a year from now, then someone else would have to come back for another conditional use permit. Commissioner Kramer agreed that was the case.

The motion to amend the resolution failed on a voice vote.

The main motion carried unanimously on a voice vote.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, August 11, 2011.

V. Comprehensive Planning Committee

Commissioner Merrigan reported that at their last meeting Don Ganje gave a slide presentation on the Great River Passage Plan. The committee asked a series of questions about where development was and how it would come together with other aspects of the work that the City is doing. They admired the vision of the plan and enjoyed the presentation.

Commissioner Merrigan announced that the next meeting will be on Tuesday, August 16, 2011.

VI. Neighborhood Planning Committee

Smith Avenue Revitalization Plan – Approve resolution recommending adoption by the Mayor and City Council. (Kate Reilly, 651/266-6618)

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution that the Smith Avenue Revitalization Plan be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.*

District 9 Residential Zoning Study – Approve resolution recommending adoption by the Mayor and City Council. (Jessica Rosenfeld, 651/266-6560)

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution that the District 9 Residential Zoning Study be adopted by the Mayor and City Council.*

Commissioner Oliver spoke against the rezoning, based on the need for more affordable rental housing. He also believes the zoning change is contrary to the vision of the Comprehensive Plan. Affordable housing comes from taking larger things that are not selling on the market and creating rental property. This is one of the few non-north end non-near east side neighborhoods that is zoned for this type of conversion. It is inconsistent to wring our hands about affordable housing yet indulge every request that affordable housing not be on someone's block. Looking at the citywide zoning maps, there is a lot of yellow for single family residential zoning all across the city and brown for multi family only up the middle. This is a step in the wrong direction. In the Comprehensive Plan it talks about 1,2,3 and 4 family structures in Established Neighborhoods. The study finds that there really has not been much of an impact in this area, and the planning goal, along with affordable housing, is to have a mix of housing.

Commissioner Perrus said that the Neighborhood Planning Committee had a long discussion about this and the need to assess where duplexes and triplexes are appropriate and how they impact the neighborhood. However, a person can rent in any of these areas – but it would be a single family rental instead of an apartment or a triplex rental.

Commissioner Wickiser said the issue is that the current zoning was established when all but one of the council members in the City of Saint Paul lived west of Lexington. The lot sizes in this area are not large enough for duplexes, and chopping up small houses into duplexes basically chews up the housing stock. The gentrification issue that was talked about in the Central Corridor is not an issue that this neighborhood is concerned about at all. This is going to preserve some of the most historic housing stock in the city from further deterioration.

Commissioner Ward stated that anytime you try to limit house conversions because of size of the lot or structure, it is a good thing rather than a bad thing, because it is limiting one particular type of use, and that is overcrowding in properties that were not originally designed to be multiple unit dwellings anyway.

Commissioner Thao agreed that multiple unit buildings or duplexes are not needed in order for people to rent housing.

Commissioner Nelson noted that, more than half of the parcels in that area do not comply with the minimum property standards for duplexes. The zoning being proposed is much more conforming with the reality on the ground.

Commissioner Reveal said the largest housing need that has been identified is either for teenagers or for families. There are not enough multi-bedroom properties in the city now, and this seems to be one of the areas left that has the possibility of rents that come near affordability. The fact that the lot size requirements would make 50% of the area nonconforming if they allowed duplexes and triplexes and the fact that multi-bedroom housing for families is a critical need makes her comfortable with the rezoning.

Commissioner Young noted that quality affordable housing includes having a place where kids can go outside and play in their yard, or where people are not using their microwave as a stove. Because of those factors, this is a good move to make.

Commissioner Oliver said what concerns him is that this area is already zoned to permit duplexes. This is not doing something to allow duplexes, it is changing the zoning so that it cannot happen. It is not about egregious owners or illegal conversions; it is about the option. There would not be a wholesale conversion of the neighborhood to duplexes and triplexes because there are other restrictions in the zoning code, such as minimum lot size, that prevents that conversion. Changing the zoning does not guarantee quality housing. What the zoning tries to assure is the size and dimensions of housing in a neighborhood, having a variety of housing within a neighborhood, and trying to disperse affordable housing. He is not convinced that conversions are so detrimental to a neighborhood that they shouldn't be allowed. There is no reason to cut the option here, especially as it replaces a relatively uniform zoning pattern with a piecemeal map.

Upon a question by Commissioner Reveal regarding whether an owner or developer could come in for a nonconforming use for a duplex or triplex if the area is rezoned, Commissioner Kramer clarified that a property owner cannot create a nonconforming use after the zoning is changed. Similar to the two previous cases, existing duplexes that have gone vacant could be re-established. Other things could be done too, like rezoning the property or a cluster townhouse development.

Commissioner Spaulding moved to call the question. There being no objection, the Commission proceeded to the vote on the main motion.

The main motion carried 17-1 (Oliver) on a voice vote.

District 9 Commercial Zoning Study – Approve resolution recommending adoption by the Mayor and City Council. *(Lucy Thompson, 651/266/6578)*

MOTION: Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution that the District 9 Commercial Zoning Study be adopted by the Mayor and City Council. The motion carried 17-1 (Fernandez) on a voice vote.

Commissioner Wencl announced the items on the agenda for the next Neighborhood Committee meeting on Wednesday, August 10, 2011.

VII. Transportation Committee

Commissioner Spaulding reported that at their last meeting they discussed two transportation

projects, the Gateway Corridor where Washington County, in conjunction with others, is looking at options to route a transit line (light rail/commuter rail/bus) to the east toward Hudson. The committee looked at options for going through the east side.

The other project was an introduction to the city's upcoming work on the Northwest Quadrant transportation study. The location is basically north of I-94 and west of Snelling, where there are some gaps. The committee discussed the city's RFP for a consultant to work on that.

Commissioner Spaulding announced the item on the agenda for the next Transportation Committee meeting on Monday, August 8, 2011.

VIII. Communications Committee

Commissioner Thao had no announcements.

IX. Task Force Reports

None.

X. Old Business

None.

XI. New Business


None.

XII. Adjournment

Meeting adjourned at 9:40 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,


Donna Drummond
Planning Director

Approved _____
(Date)

Anthony Fernandez
Secretary of the Planning Commission

PED\butler\planning commission\minutes\August 5, 2011



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

TUESDAY Aug 9, 2011
2nd Floor Conference Room
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
9:30	Central Corridor Rain Garden at Pillsbury St. 2213 University
10:00	St. Paul College Parking Ramp (2012 Project) New 615 stall open parking garage structure 235 Marshall Ave

To Applicants:

You should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff.

The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

Parking

Parking is available at on-street meters. Some off-street parking spaces are available in our visitor parking lot off of 6th Street at Jackson.

To see a map of additional nearby parking ramps go to
<http://www.ci.stpaul.mn.us/depts/dsi/liep/info/location.html>

If you have any questions, please call Mary Montgomery at 651-266-9088 or
mary.montgomery@ci.stpaul.mn.us.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

TUESDAY Aug 16, 2011
2nd Floor Conference Room
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
9:30	West Side Flats 84 Wabasha St. South 168 unit apartment with retail and covered parking
10:45	Schmidt Brewery Redevelopment 250 artist loft apartments and 13 new townhome units 882 West 7 th St

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mary.montgomery@ci.stpaul.mn.us.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

TUESDAY Aug 23, 2011
2nd Floor Conference Room
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
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- | | |
|-------|--|
| 9:30 | Crosby-Elway parking lot
12 car parking lot using pavers, removal of Crosby Lake Road,
Install trail and area for kiosk
2412 Shepard Rd W |
| 10:10 | Como Park Japanese Garden Experience
New building entrance to Japanese Garden
1225 Estabrook Drive |

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If you have any questions, please call Mary Montgomery at 651-266-9088 or mary.montgomery@ci.stpaul.mn.us.

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, August 11, 2011 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting.
The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF JULY 28, 2011 ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

OLD BUSINESS

- 1 11-250-250 Dram Investments LLP**
Re-establishment of nonconforming use as a car wash
1340 7th St W, between Mercer and Victoria
TN2
Ryan Kelley 651-6562
- 2 11-250-154 HRA (765 Edgerton)**
Re-establishment of nonconforming use as a triplex
765 Edgerton St, between Bush and Reaney
RT1
Sarah Zorn 651-266-6570

NEW BUSINESS

- 3 11-252-494 Dee Vang**
Re-establishment of nonconforming use as a 4 plex
342 Bates Ave, SE corner at 5th
RT1
Matt Wolff 651-266-6708
- 4 10-915-026 Culvers (1491 University)**
Conditional Use Permit for a fast food restaurant with drive-through service, and modification
of standards for ingress and egress on Pascal Street
1491 University Ave W, between Simpson and Pascal
T2
Anton Jerve 651-266-6567
- 5 11-251-397 (10-909-016) Midway Commons (Culvers)**
Site Plan Review for renovation of two existing commercial buildings, addition of drive-
through sales and service, and parking lot reconfiguration
1489 University Ave W
T2
Tom Beach 651-266-9086

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: August 12, 2011
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of August 11, 2011 Zoning Committee Hearing

OLD BUSINESS

1. **Dram Investments LLP (11-250-250)**
Re-Establishment of nonconforming use as a car wash

Address: 1340 7th St W
between Mercer and Victoria

District Comment: District 9 recommended approval with conditions

Support: 0 people spoke, 2 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
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Approval with conditions	Approval with conditions (4 - 0)
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2. **HRA (765 Edgerton) (11-250-154)**
Re-Establishment of nonconforming use as a triplex

Address: 765 Edgerton
between Bush and Reaney

District Comment: District 5 recommended approval

Support: 0 people spoke, 2 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
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Approval with conditions	Approval with conditions (5 - 0)
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NEW BUSINESS

3. **Dee Vang (11-252-494)**
Re-establishment of nonconforming use as a 4-plex

Address: 342 Bates Ave
SE corner at 5th

District Comment: District 4 made no recommendation

Support: 0 people spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Approval with conditions (5 - 0)

4. **Culvers (1491University) (10-915-026)**
Conditional Use Permit for a fast food restaurant with drive-through service, and modification of standards for ingress and egress on Pascal Street

Address: 1491 University Ave W
between Simpson and Pascal

District Comment: District 11 recommended approval with conditions

Support: 1 person spoke, 1 letter

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Approval with conditions (5 - 0)

5. **Midway Commons (11-251-397)**
Site plan review for the re-use two existing buildings. One building will be used as a Culvers fast food restaurant with a drive thru window. The other building will be used by commercial tenants.

Address: 1489 University Ave W

District Comment: District 11 recommended approval

Support: 1 person spoke, 1 letter

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Approval with conditions (5 - 0)

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Dram Investments LLP, File # 11-250-250, has applied for a Re-establishment of nonconforming use as a car wash under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 1340 7th St W, Parcel Identification Number (PIN) 112823430197, legally described as E B Lawtons Rearrangement No 1 Subj To St; Vac Sts Accruing & Fol. Lots 9 10 & 11 Blk 2 Cottage Lots Add & In Sd E B Lawtons Re No 1 Lot 7; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 11, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property was placed on the Vacant Building list in June of 2009 as a Category 2. Because the building has been vacant for more than 365 days the applicant is required to re-establish the nonconforming use.
2. In the Special Condition Use Permit granted in 1987 one of the conditions imposed was: "that the hours of operation be between 8:00 a.m. and 7:00 p.m." The anticipated hours for the reopened facility are 7:00 a.m. to 9:00 p.m.
3. The applicable conditions regarding parking and auto washes at the granting of the 1987 Special Condition Use Permit were: 20 reservoir parking spaces and one (1) parking space for each employee. According to the Planning Commission Resolution, the site plan at that time indicated five (5) parking spaces, 12 exterior "stacking" spaces and eight (8) additional spaces inside the building.

The current conditions, as found in Sec. 65.707 Car Wash, require a "minimum of four (4) stacking spaces per washing lane. The parking regulations, as found in Table 63.207, require one (1) space per two (2) employees. The submitted site plan designates six (6) parking spaces and 16 exterior stacking spaces.

4. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*

- (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The property was registered as a carwash facility with gas pumps beginning in 1967. In 1980 a used car lot was established on the site. In 1987 the carwash facility was re-established and expanded to include a new structure that houses two (2) additional carwash bays, a prep area, and a "buff and shine"

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area. The specialized nature of the use makes alternative uses uneconomical as extensive alterations to the building would be required. The proposed carwash facility is a reasonable use of this structure.

- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The use as a carwash facility is equally appropriate as its historical use as a carwash facility.
- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. A building that has been vacant for the past two years will be put back into use in a manner that is consistent with its prior operations. The building has frontage on W 7th St and is in character with adjacent commercial properties along this corridor.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The property is located in an area designated as a "Mixed Use Corridor" by the Comprehensive Plan. This designation allows a mix of residential, commercial, retail, small office, light industrial, and other uses within close proximity of one another. The use also coincides with the goal of "Land Use Mix" as identified in the District 9 Plan. The property faces W 7th Street and is within the commercial node of W 7th and Otto Avenue. The plan highlights that compatibility among mixed land uses is important in maintaining land use diversity in a dense neighborhood.
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on July 8, 2011]: 19 parcels eligible; 13 parcels required; 13 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Dram Investments LLP, for a Re-Establishment of nonconforming use as a car wash at 1340 7th St W is hereby approved subject to the following conditions:

1. The facility hours of operation shall be no longer than from 7:00 a.m. to 9:00 p.m.
2. The concrete block wall extending from the building to the sidewalk on West 7th Street, running along the northerly property line, is repaired.
3. A sign reading "DO NOT BLOCK MERCER STREET AND ALLEY" shall be installed at the car wash entrance driveway.
4. The area surrounding the trash containers and back of building be kept clean of debris.

city of saint paul
planning commission resolution
file number
date

WHEREAS, The Saint Paul Housing and Redevelopment Authority, File # 11-250-154, has applied for a Re-Establishment of nonconforming use as a triplex under the provisions of §62.109(e) of the Saint Paul Legislative Code, on property located at 765 Edgerton St, Parcel Identification Number (PIN) 292922340103, legally described as Stinsons Addition Lot 8 Blk 16; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 28, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property was placed on the Vacant Building list in May of 2007 as a Category 3. Because the building has been vacant for more than 365 days, the applicant is required to re-establish the nonconforming use.
2. The HRA Board authorized staff to purchase property to rehabilitate the structure for either home ownership or rental. The HRA purchased the property through the Neighborhood Stabilization Program in June of 2009. There are currently five units in the structure; the applicant is proposing to reduce the number of units to three and rent them out. The rehabilitation will be done by Clinton Company Builders in cooperation with the HRA, and the property will be managed by BB Housing Associates.
3. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. According to city records the property has been registered in the past as a five-unit structure and information provided by the applicant shows that it is currently configured as such. The structure was originally built as a two-unit dwelling and it is unclear when the remaining units were added. The proposed triplex is a reasonable use of this structure.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. A multifamily dwelling is first permitted in the RM1 district and a three-family dwelling is first permitted in the RT2 district, which is more restrictive. Therefore the proposed use as a triplex is more conforming than the previous use as a five-unit building.

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in favor _____
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- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use as a triplex will not be detrimental to the existing character of development in the immediate neighborhood. Re-establishing the nonconforming use will put a structure back into service that has been vacant for the past four years. The proposed use as a triplex fits in with the surrounding neighborhood and adjacent two and three family structures.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods. In addition, The Railroad Island Plan (2007) encourages "better maintenance of the existing housing stock through enforcement and incentive programs" (p.3).
 - (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on July 12, 2011: 12 parcels eligible; 8 parcels required; 9 parcels signed.
4. The Planning Commission has established guidelines for applications for nonconforming use permits for triplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Triplex Conversion Guidelines state that for applications for nonconforming use permits for triplexes in residential districts, staff will recommend denial unless the following guidelines are met:
- A. *Lot size of at least 6000 square feet with a lot width or front footage of 50 feet.* This finding can be met. The lot size is 4,880 sq. ft., including one half of the alley increases the lot size to 5,280 sq. ft. The lot frontage on Edgerton is 40 feet. The structure also encroaches on the lot to the south. The HRA is working with the neighboring property owner to acquire by easement or purchase approximately one half of the lot to the south, which would result in an additional 2,440 sq. ft. Once the negotiations are finalized, including one half the alley, the total lot area will be approximately 7,920 sq. ft. At one point in time both properties were owned by the same party so little attention was paid to lot lines when the structures were built. In addition, the sale to the most recent owner was a cash transaction, which is why the easement issue was not addressed.
 - B. *Gross living area, after completion of triplex conversion, of at least 2,100 square feet. No unit shall be smaller than 500 square feet.* This condition is met. The gross living area of all three units is 3,342 square feet. All three units are more than 500 square feet.
 - C. *Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum.* This condition is met. There is a gravel parking area for six vehicles off the alley, which will be paved.
 - D. *All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This condition is met. The structure can accommodate a triplex without any exterior remodeling. However, the existing block shed will be reduced in size and remodeled to provide an enhanced entrance. There is currently an existing entrance to the lower level unit and back stair with access to the first and second floor units on the south side of the building.
 - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a triplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* This condition is

met. The applicant will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met. The applicant has submitted sufficient documentation to substantiate the permit.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of The Saint Paul Housing and Redevelopment Authority for a Re-Establishment of Nonconforming Use as a triplex at 765 Edgerton St is hereby approved subject to the following conditions:

1. The applicant shall obtain a portion of the lot to the south no less than 720 sq. ft. in area, by easement or purchase; failing such purchase or easement all encroachments of the existing structure shall be removed.
2. A certificate of occupancy shall not be issued until the applicant or property owner has obtained a portion of the adjoining property, by easement or purchase, or has removed all encroaching structures.
3. The applicant shall adhere to all applicable code requirements and receive a certificate of occupancy for a three-unit building.
4. The parking lot shall be paved using standards that meet the city ordinance.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Dee Vang, File # 11-252-494, has applied for a Re-establishment of nonconforming use as a 4-plex under the provisions of §62.109 of the Saint Paul Legislative Code, on property located at 342 Bates Ave, Parcel Identification Number (PIN) 322922140227, legally described as Lyman Dayton Addition Ex Sely 6.5 Ft X 21 Ft Cor Of Lot 14; Lots 14,15 & Lot 16 Blk 24; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 11, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The 342 Bates Avenue property was originally built as a duplex in 1883. At some point it was converted into a 7 units. The building went on the St. Paul vacant property list on April 18, 2008. Yeng Vang purchased the property in November, 2010, with the intention of converting it back into a duplex. Citing the ability to more easily market the smaller units, the applicant is requesting approval to convert it into a 4-unit property instead.
2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sex-five days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonable or economically be used for a conforming purpose:* This finding is met. The 342 Bates Avenue property is zoned RT1 two-family residential, requiring a minimum lot size of 3,000 square feet per unit, and a minimum lot width of 25 feet per unit. At 14,264 square feet, the property is large enough for two duplex lots, for a total of four units. Additionally, the applicant has provided a written statement which states that, if returned to its original use as a duplex, the square footage of each unit would be 2-to-3 times great than that of the other units in the vicinity.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use:* This finding is met. Having most recently been a 7-unit building, the conversion to a 4-unit building represents a more appropriate non-conforming use for the RT1 two-family zone. The site plan lists no major renovations to be done to the exterior of the building. Since the property is located in the Dayton's Bluff Heritage Preservation District, any exterior changes will be reviewed and approved by the Saint Paul Heritage Preservation Commission.

moved by _____

seconded by _____

in favor _____

against _____

- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare:* This finding is met. The applicant's plan will provide 4 parking spots in addition to the 2-car garage. The property's frontage on Bates Avenue will be screened with new flowers and small bushes, as well as the already existing trees, and an 18-inch retaining wall.
- (4) *The proposed use is consistent with the comprehensive plan:* This finding is met. This proposal is consistent with the comprehensive plan. Policy 3.2 of the Housing Chapter of the Comprehensive Plan states that new housing opportunities for low-income households should be supported throughout the city. Section C3 of the 2009 District 4 Plan states the strategy to "promote, reuse, instead of demolition of existing buildings". The Dayton's Bluff Historic district also emphasizes reuse.
- (5) *A notarized petition of two-thirds of the property owners within 100 feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on 7/14/2011: 15 parcels eligible; 10 parcels required; 12 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met. The floor plans have been submitted.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Dee Vang for a Re-establishment of nonconforming use as a 4-plex at 342 Bates Ave is hereby approved subject to the following conditions.

- 1. The applicant complies with all the requirements of the code compliance inspection
- 2. The applicant receives a certificate of occupancy for the building
- 3. Any exterior changes to the property shall be approved by the Heritage Preservation staff or commission.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Kline Volvo Inc, File # 10-915-026, has applied for a Conditional Use Permit for a fast food restaurant with drive-through service, and modification of standards for ingress and egress on Pascal Street and Simpson Street under the provisions of §65.615, §65.513, and §61.502 of the Saint Paul Legislative Code, on property located at 1489 University Ave W, Parcel Identification Number (PIN) 342923230229, legally described as Lyman D Bairds Addition Lots 11 Thru Lot 15 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 11, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant, Kline Volvo, Inc., is proposing to renovate an existing building at the University Avenue/Simpson Street intersection for a Culver's fast food restaurant with a drive-through and renovate the two existing buildings at the University Avenue/Pascal Street intersection for commercial uses. Portions of the three renovated buildings will be demolished to allow for circulation and parking. The fast food use and drive-through require a conditional use permit.
2. This application was originally submitted on October 22, 2010 prior to the completion of the Central Corridor/TN Zoning Study. The applicant's representative requested a continuance for the application November 17, 2010 and waived their right to a decision within 60 days. Therefore the application is subject to B3 and Central Corridor Overlay zoning district requirements rather than the present zoning. The Central Corridor Overlay expired when the property was rezoned to T2 as part of the Central Corridor/TN Zoning Study, effective June 4, 2011.
3. Fast food restaurants are permitted in the B3 zoning district subject to the following conditions:
 - (a) *Except in I1-I2 Industrial Districts, a conditional use permit is required for establishments of more than 10,000 square feet in gross floor area, and for any establishment with drive-through service. In T2-T3 Traditional Neighborhood Districts, these uses are intended to be of a moderate size compatible with neighborhood-level retail. This condition is met. A conditional use permit is the subject of the application.*
 - (b) *In the B2 Community Business District, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service. This condition is not applicable. The property is not in a B2 District.*

moved by _____
seconded by _____
in favor _____
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- (c) *Drive through service shall meet the standards and conditions in Sec. 65.513. Drive-through sales and services, primary and accessory.* This condition can be met provided the Planning Commission approves a modification for vehicular egress/ingress distance from residentially zoned property. See Finding 4.b.
- (d) *Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property.* This condition is partly met. Ingress will be from University Avenue and Pascal Street. University Avenue is a major commercial street. Pascal Street will be a signalized intersection crossing University Avenue and will be used by commercial and residential traffic. Egress will be to University Avenue, Pascal Street and Simpson Street. Simpson Street is used primarily for access to abutting residential property north of the alley. The applicant has requested a modification of this condition for the Simpson Street egress and proposes left turns to University Avenue only to keep vehicles away from the residential property north of the alley.
- (e) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of any two (2) streets and at least sixty (60) feet from any abutting residentially zoned property.* This condition is partially met. The applicant has requested a modification of this condition. The University Avenue ingress/egress is approximately 180 feet from the closest intersection. The Pascal Street egress/ingress is approximately 90 feet from the intersection but only 33 feet from residentially zoned property. The Simpson Street egress is approximately 85 feet from the intersection and only 45 feet from residentially zoned property. If the Planning Commission grants the modification, this condition will be met.
- (f) *When the site abuts an alley which also serves residentially zoned land, no access from the site to the alley shall be permitted.* This condition is met. The site abuts residentially zoned land and there will be no access from the site to the alley.
- (g) *Trash receptacles shall be housed in a three-sided masonry enclosure, six (6) feet high, or equal in height to the dumpster, whichever is greater, and have an entrance gate constructed of a durable, opaque material.* This condition is met. The site plan indicates trash receptacles will be housed in the required structure.
- (h) *A litter collection plan shall be developed and submitted to the planning commission, which obligates the restaurant operator to keep the area surrounding said restaurant free of restaurant litter for a reasonable specified distance.* This condition is met. A litter collection plan was developed and will be administered by the fast-food restaurant franchise owner.
- (i) *Impact on adjoining property by use of the site may not result in the following:*
 - (1) *Loud, boisterous and disturbing noise levels.*
 - (2) *Hazardous traffic conditions.*
 - (3) *Offensive, obnoxious and disturbing odors.*
 - (4) *Excessive litter.*
 - (5) *Excessive artificial lighting.*
 - (6) *Substantial decrease in adjoining property values.*

This condition is met. The majority of activity will take place indoors and will not produce excessive noise levels. The drive through speaker will be designed to not disturb residential property. The restaurant is proposed to be open until 10:00pm with the drive-through open until 11:00pm in the summer. The parking lot and drive through have been designed to minimize potential traffic conflicts. The applicant states that the restaurant will vent its exhaust to readily dissipate. The franchisee has developed and will implement a litter collection plan to keep the property adequately clean. The lighting will be designed to City standards. The project will put several vacant buildings and empty lots into active use.

Rehabilitating three buildings will, at a minimum, have a neutral impact on property values and could possibly have a positive impact on property values.

4. §65.513 lists six standards and conditions for drive-through sales and services:

- (a) *Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.* This condition is met. The proposed drive-through lane is to be located to the interior block side of the building and approximately 70 feet from residentially zoned property.
- (b) *Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.* This condition is partially met. The applicant has requested a modification of this condition. The University Avenue ingress/egress is approximately 180 feet from the closest intersection. The Pascal Street egress/ingress is approximately 90 feet from the intersection and 33 feet from residentially zoned property. The Simpson Street egress is approximately 85 feet from the intersection and 45 feet from residentially zoned property. If the Planning Commission grants the modification, this condition will be met.
- (c) *Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.* This condition is met. The speaker box will be located approximately 120 feet from the nearest residential property. The applicant has stated that the volume will be kept at a level not to disturb the residential properties to the north.
- (d) *A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This condition is not applicable, as there is no adjoining residential property.
- (e) *Stacking space shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces pre drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.* This condition is met. The site plan indicates that there are at least four stacking spaces for the drive-through lane.

Additional condition in the Central Corridor Overlay and TN2 traditional neighborhood district:

- (f) *There shall be no more than one (1) drive-through lane and no more than two (2) drive-through service windows, with the exception of banks, which may have no more than three (3) drive-through lanes.* This condition is met. The applicant is proposing to construct one drive-through lane with one service window.

5. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The use is in substantial compliance with the Comprehensive Plan. The use is supported by the following Snelling Station Area Plan policies regarding land along the north side of University Avenue:
 - 4.2.1.a) Along the north side of the Avenue new development or expansion of existing buildings should be predominantly low to mid-rise in scale up to 3 commercial stories in height. 3 residential stories above one story of first floor retail would also be acceptable.
 - 4.2.g) Ensure first floor units and storefronts have at least one entrance that is oriented towards the Avenue, access points to the station platforms, and/or key

gathering places.

- 4.2.h) Commercial or retail uses located on the first floor should help to animate the street by incorporating large glass frontages that allow the activity within to be seen from the street.
- 4.2.2 e) Building gaps along the street frontage within Station Area Mobility Zone should be discouraged. Where gaps do exist they should be adequately landscaped along the street frontage.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The use will have direct and indirect access to westbound University Avenue via a curb-cut on University Avenue and exit to Simpson Street as well as access to northbound and southbound Pascal Street. Pascal/University will be a signalized intersection and will provide access to eastbound and westbound University Avenue. This is expected to provide adequate egress/ingress to the site.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed uses are similar to existing commercial uses in the immediate area and therefore consistent with the character of the neighborhood.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will not impede improvement of surrounding property. The use will rehabilitate existing buildings to make them viable for uses currently allowed in the district.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition will be met. The use meets all requirements for B3 districts. The Central Corridor Overlay District has a minimum 1.0 floor area ratio (FAR) in station areas. Existing buildings that do not meet this are legal nonconforming uses and are allowed to continue as long as the use does not increase the nonconformity. The proposed use will reduce usable floor area for the rehabbed retail buildings. The project will replace approximately 4,650 square feet of demolished floor area in the easternmost building with 5,719 square feet of landscaping (not including required perimeter landscaping), which is calculated toward FAR under the Central Corridor Overlay District (Sec. 67.706.a). The demolished portions of the other two buildings, including the proposed Culver's building were used as accessory parking and are not calculated toward floor area, per Sec. 60.207. Therefore the use will not reduce the FAR and meets all requirements of the Central Corridor Overlay District.
6. The planning commission may approve modifications of special conditions when specific criteria are met: *Strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This condition is met. The proposed uses are allowed at this location. The parcel is approximately 121 feet deep from University Avenue right-of-way to the alley. To meet the required 60 feet egress/ingress setback distance from both intersections and residential property all curb-cuts would have to be on University Avenue. This would likely require multiple curb-cuts along University which would be inconsistent with pedestrian goals of the Station Area Plan. It would also not allow for access to Pascal Street which provides eastbound access to University Avenue. Although the Central Corridor Development Strategy allows for commercial uses to share alleyways with residential uses, this is not allowed for fast-food

restaurants. This further reduces opportunity for efficient circulation for the use. Not allowing access to Pascal and Simpson streets could lead to traffic exiting the restaurant on to University to circle back through the neighborhood to Pascal to have access to eastbound University. Modifying the 60 foot setback from residential uses allows for vehicular access with minimal pedestrian disruption while maintaining screening from residential uses and keeping traffic north of the alley on Simpson to a minimum.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Kline Volvo Inc Attn: Kline Volvo Inc for a Conditional Use Permit for a fast food restaurant with drive-through service, and modification of standards for ingress and egress on Pascal Street and Simpson Street at 1489 University Ave W is hereby approved subject to the following conditions.

1. A site plan is approved.
2. The number of curb-cuts shall be minimized.
3. The Simpson Street exit will be signed to direct traffic toward University Avenue.
4. Required landscaping will be concentrated along the public right-of-way, pedestrian pathways, and drive-through to the greatest extent possible to screen the parking lot and drive-through.
5. The modification of ingress/egress to Pascal Street shall be valid only if the entire site is developed as proposed in the application and depicted on a site plan approved by the City. Should the site not be developed substantially in conformance with an approved site plan within two years, the modification of the ingress/egress requirement shall be returned to the Planning Commission for additional review.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Rick Kline, File # 11-251-397, has applied for a site plan review for the re-use of two existing buildings and other site improvements (one building to be used as a fast food restaurant with a drive thru window and the other building to be used by commercial tenants) under the provisions of Section 61.402 of the Saint Paul Legislative Code, on property located at 1489 University Ave W, Parcel Identification Number (PIN) 342923230229, legally described as Lyman D Bairds Addition Lots 11 Thru 25 Blk 6; and WHEREAS, the Zoning Committee of the Planning Commission, on August 11, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact that the site plan is consistent with

- (1) *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The use is in substantial compliance with the Comprehensive Plan. The use is supported by the following Snelling Station Area Plan policies regarding land along the north side of University Avenue:

- 4.2.1.a) Along the north side of the Avenue new development or expansion of existing buildings should be predominantly low to mid-rise in scale up to 3 commercial stories in height. 3 residential stories above one story of first floor retail would also be acceptable.
- 4.2.g) Ensure first floor units and storefronts have at least one entrance that is oriented towards the Avenue, access points to the station platforms, and/or key gathering places.
- 4.2.h) Commercial or retail uses located on the first floor should help to animate the street by incorporating large glass frontages that allow the activity within to be seen from the street.
- 4.2.2 e) Building gaps along the street frontage within Station Area Mobility Zone should be discouraged. Where gaps do exist they should be adequately landscaped along the street frontage.

moved by _____
seconded by _____
in favor _____
against _____

(2) *Applicable ordinances of the city.*

The property is zoned T2. However, when the application was submitted, the property was zoned B3 and was in the Central Corridor Overlay District, so the site plan is subject to those standards. The site plan is consistent with those standards.

- The uses are permitted if the fast food restaurant with a drive- thru window obtains a Conditional Use Permit.
- The Floor Area Ratio for new development is 1.0. However, the existing buildings have a Floor Area Ratio of .40 and so redeveloping existing buildings is permitted as long as the Floor Area Ratio for the redevelopment maintains a Floor Area Ratio of at least .40. The project meets this standard.
- The site plan meets requirements for screening, green space and landscaping.
- The buildings meet standards for buildings to have doors and windows facing the street.
- The site plan meets zoning standard for parking. 53 spaces are proposed. The code requires a minimum of 37 spaces and permits up to 53 spaces without a Conditional Use Permit.

(3) *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The existing buildings will be restored and have their facades upgraded.

(4) *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

The site plan is consistent with this finding:

- Stormwater drainage will be controlled to Public Works standards and will not affect neighboring properties.
- A privacy fence will be constructed along the alley. This will create a visual screen to buffer neighbors and keep traffic from the project from using the alley.
- Lighting will be designed to minimize any glare or spill-over light to neighboring properties.
- The speaker box for the drive thru will be located near University Avenue and will not impact residences north of the site.
- The project will not affect light, air or views.

(5) *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

This site plan is consistent with this finding:

- The parking lot will not have any access to the adjacent alley.

- The arrangement of the driveways is designed to discourage traffic from driving through the residential neighborhood to the north.
- The speaker box and stacking lane for the proposed drive thru window is at the south end of the site, away from the residential neighborhood.

- (6) *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan shows a large number of trees to provide shade and 12% of the area of the site will be green space.

The reuse of existing buildings requires less energy and materials than new construction.

- (7) *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The site plan allows safe and convenient access and circulation. Public Works Traffic Division has reviewed the site plan and has no objections.

- The site plan shows three driveways: one each on University, Pascal and Simpson. It is desirable to minimize the traffic using the driveway on University Avenue and the driveways on Pascal and Simpson will help do this without unduly impacting the residential neighborhood to the north of the site. Pascal has a traffic signal at University that will allow cars using the Pascal driveway to turn east or west onto University Avenue. The driveway on Simpson will have LEFT TURN ONLY sign to direct cars leaving to go to so they would not drive through the neighborhood.
- There would not be any access to the adjacent alley.
- The drive thru lane has enough stacking space to accommodate cars waiting to pick up their order.

- (8) *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

The plans for sewers and stormwater drainage have reviewed and approved by Saint Paul Public Works Sewer Division.

- (9) *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

This site plan is consistent with this condition:

- Shade trees will be planted close together (15' apart) in the landscaped strip between the public sidewalk and the drive thru lane. These trees will help screen the parking and fill in the gap between the building facades.
- The plan provides a large landscaped area between the two buildings where the drive-thru lane and parking would go. The site plan has decorative fences along the public sidewalk and a privacy fence along the alley.

- There is sufficient parking to meet zoning requirements.
- (10) *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site complies with provisions of the Americans with Disabilities Act.

- (11) *Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."*

Erosion and sediment control measures (such as silt fences and inlet protection) meet applicable standards.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Rick Kline for a Site plan review for site improvements for the re-use two existing commercial buildings at 1489 University Ave W is hereby approved subject to the Condition that a Conditional Use Permit for a fast food restaurant is approved.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

Date: 8/12/11
To: Planning Commission
From: Tom Beach
RE: Site plan for Midway Commons at 1461 University (Culvers)

The Zoning Committee recommends approval of the site plan. But they instructed the applicant to make some minor changes to the plan before the Planning Commission meets on August 19. These changes deal with the arrangement of some of the parking spaces, behind Culvers, the design of the Simpson driveway, the location of accessible parking spaces and providing additional green space.

The site plan in your packet is the site plan that was submitted for the public hearing and does not reflect those modifications. However, the revised site plan should be ready before the Planning Commission meets and staff will either send a copy out to the members or pass it out at the meeting.

The resolution approving the site plan is written with the assumption that these changes will be made before the Planning Commission meets.

If you have questions about this you can contact me at tom.beach@ci.stpaul.mn.us or 651-266-9086.